

6 May 2021

Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

Dear Home Secretary,

The New Plan for Immigration consultation response

I write in my capacity as Independent Anti-Slavery Commissioner to set out my response to the government's New Plan for Immigration.

I am afraid that I want to begin my response by raising concerns about the consultation process. The six week time period is insufficient to consider such significant reform and I am yet to receive the data pack that the Home Office agreed to share with me. This presents particular challenges when considering potential abuse of the system. While I would not want such protective mechanisms to be abused, I am not in a position to judge how much of a problem this is, and it is therefore difficult to assess the reasonableness of the proposals. My office has participated in several roundtables hosted by Britain Thinks in support of the consultation. These have provided valuable opportunities to hear key stakeholders' views, however, I am concerned that additional information has been presented during these sessions that was not included in the published policy statement. I am also aware that impact assessments have been undertaken but have not yet been published.

Consultation responses are therefore being completed by stakeholders in the absence of important evidence. Nonetheless, I have sought to respond based on the information provided in the policy statement.

Overall, I am concerned that the proposals will make the identification of victims of modern slavery harder and will create additional vulnerabilities. There is a risk that measures taken to address a potentially small number of people seeking to abuse the immigration system will have a considerable impact on victims of modern slavery. There are undoubtedly areas of overlap between modern slavery and immigration. In 2020, 32% of referrals into the National Referral Mechanism (NRM) were made by Home Office colleagues in Immigration Enforcement, UK Visas and Immigration and Border Force¹. However, there is grave danger of viewing victims of modern slavery through an immigration lens and ignoring the trauma and exploitation they have suffered as victims.

¹ 3,390 of the 10,613 referrals made into the NRM in 2020 were made by Immigration Enforcement, UKVI and Border Force.

When you published your policy statement on the points-based immigration system in February 2020 you said, ‘importantly we remain committed to protecting individuals from exploitation by criminal traffickers and unscrupulous employers’². The Sovereign Borders Bill provides an opportunity to again put the protection of the most vulnerable at the heart of the new proposals so that your commitment to protect victims of modern slavery and bring perpetrators to justice is clear.

Within the New Plan for Immigration policy statement there are also multiple proposals where it is unclear whether they relate to both adults and children. Any reforms must put children’s rights and protections first and decisions taken with their best interests as a priority.

Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny

Supporting refugee integration and access to work

Chapter 2 sets out the government’s plans to strengthen safe and legal ways in which people can enter the UK. Whilst I am not in a position to comment on the appropriateness of the proposals relating to refugee resettlement, I am pleased to see the government’s focus on supporting integration and independence. Importantly, the policy statement recognises the importance of language, education, and employment. I have often raised the vital role of education and employment in helping to build sustainable independence among survivors of modern slavery.

Family reunion for unaccompanied asylum-seeking children

We know that slow and complex procedures for children to reunite with their family, claim protection and regularise their immigration status may increase vulnerability to exploitation³. There is a need for sufficient, effective, safe and practical routes for Unaccompanied Asylum Seeking Children (UASC) to reunite with family members in the UK. It is crucial that any new approach is considered in the context of wider vulnerability and that lessons are learnt from previous experience.

Chapter 4: Disrupting criminal networks and reforming the asylum system

Inadmissible claims and removal

A focus on rapid removal risks missing potential victims of trafficking, with limited opportunities for identification and protection. Safeguards must be in place to ensure that victims are identified as early as possible. Off-shoring the process risks exacerbating these concerns further, something that must be a central consideration in future policy development in this area. The policy statement rightly acknowledges the vulnerability of those seeking asylum via resettlement schemes, but we must also acknowledge the vulnerability of those arriving via other routes. Amongst these people there will be victims of trafficking and we also know that a smuggled migrant can become exploited at any point, particularly if they owe vast sums for their journey.

² HM Government (2020), ‘The UK’s Points-Based Immigration System: Policy Statement’: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866664/CCS207_CCS0120013106-001_The_UKs_Points-Based_Immigration_System_print.pdf

³ ECPAT UK (2020), ‘Child trafficking in the UK 2020: A snapshot’: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=b92ea99a-6dd8-480c-9660-e6c0f0764acf>

Reception centres and accommodation

Proposals for reception centres will exacerbate existing concerns regarding the suitability of contingency asylum accommodation during the Covid-19 pandemic. In November 2020, organisations representing medical professionals and patients wrote jointly to you and the Secretary of State for Health and Social Care setting out their concerns, including the unsuitability of such accommodation for survivors of human trafficking⁴. I am acutely aware of the unprecedented challenges under these circumstances, but lessons need to be learnt and engagement with civil society organisations, health and the wider public health sector on this matter is essential.

Temporary protection status

Those deemed ‘inadmissible’ by this new law, but who cannot be removed, will be given temporary protection status and will be afforded fewer rights than those seeking asylum via official routes. No recourse to public funds in particular risks creating vulnerability. People may be left with no option but to work informally, risking exploitation by unscrupulous employers. I have raised similar concerns regarding informal working and vulnerability in relation to the UK’s new points-based immigration system and would reiterate the vital importance of effective labour market enforcement and communication of migrant workers’ rights⁵.

Assessing age appropriately

The policy statement focuses on identifying adults wrongly claiming to be children. I am concerned that the proposals cut across the presumption of age set out in the Modern Slavery Act 2015 and that consideration of the safeguarding issues and heightened risks faced by wrongly age disputed children is absent. If someone is subsequently identified as a potential victim of trafficking, the outcome of an age assessment could impact how they are dealt with.

Chapter 5: Streamlining asylum claims and appeals

The one-stop process

The proposed one-stop process requires people to raise all protection related issues up-front and have these considered together, including grounds as a potential victim of modern slavery. Any such process needs to recognise that victims’ accounts and disclosure of exploitation may be affected by trauma. There is a wealth of evidence on the impact of trauma on the brain. I note the VITA Network’s consultation response, which sets out how ‘psychological trauma causes profound disturbances to normal brain function and memory, including memory loss and inconsistencies in

⁴ Organisations representing medical professionals and patients (2020), ‘Letter to the Rt Hon Priti Patel MP and the Rt Hon Matt Hancock’: https://www.doctorsoftheworld.org.uk/wp-content/uploads/2020/11/Joint_letter_on_the_use_of_MoD_sites_as_asylum_accommodation.pdf

⁵ Independent Anti-Slavery Commissioner (2021), ‘Protecting individuals from exploitation by criminal traffickers and unscrupulous employers: Identifying and mitigating risks in the EU Settlement Scheme and the UK’s new points-based immigration system’: <http://www.antislaverycommissioner.co.uk/media/1563/identifying-and-mitigating-risks-in-the-eu-settlement-scheme-and-the-uks-new-points-based-system.pdf>

their stories and experiences.⁶ The Modern Slavery Statutory Guidance⁷ also recognises the importance of trauma-informed practice⁸ and it is absolutely vital that any new process takes this into account. In cases where an individual may not know they have been exploited, there is a reliance on a third party identifying that they are a potential victim. Furthermore, an individual's risks may change over time and they may become exploited after entering the asylum system. Late disclosure may in turn impact on an individual's options in line with the proposal for the introduction of a good faith principle also set in Chapter 5.

Access to legal advice

While there are concerns about 'unmeritorious' claims made at the last minute frustrating removal, in practice, late claims may be as a result of late or limited access to legal advice. It is recognised that victims of modern slavery often struggle to access legally aided immigration and asylum advice. A rapid consultation on access to legal aid for victims of trafficking and subsequent report of findings published last year by the Young Legal Aid Lawyers found that 70.6% of respondents stated that it was already either 'impossible' (2.9%), 'extremely difficult' (20.6%) or 'difficult' (47.1%) to find legal aid representation for victims of trafficking⁹.

I therefore welcome the proposal to provide more generous access to legal advice, albeit greater clarity is needed about the point at which legal advice will be available for potential victims of modern slavery. It is well known that the legal aid system is already under considerable pressure. Indeed, last year I wrote to the Minister setting out my concerns regarding access to legal aid for victims of modern slavery¹⁰. To be able to offer timely and quality access to legal advice, there needs to be considerable investment in the system. The ability to access legal professionals who have specialist knowledge in relation to complex cases such as modern slavery is also important.

Fast track appeals and expedited processes for claims and appeals made from detention

There are concerns that the proposals conflate unmeritorious claims with late claims. There are numerous reasons why victims of modern slavery may not disclose their exploitation at an early stage, and this must be taken into account when considering fast track or expedited processes. I am aware that the number and proportion of people in detention raising NRM referrals has increased in recent years,¹¹ however, I am not sighted on the evidence that such claims may be unmeritorious in

⁶ VITA Network (2021), 'Home Office's "New Immigration Plan" is harmful to victims of trafficking': <https://vita-network.com/blog/#newsletter>

⁷ Home Office (2021), 'Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974794/March_2021_-_Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.1_.pdf

⁸ The Helen Bamber Foundation (2021), '[Trauma-Informed Code of Conduct](#)' sets out trauma informed methods of working for all professionals working with survivors of modern slavery and human trafficking.

⁹ Young Legal Aid Lawyers (2020) 'A sector at breaking point: Justice denied for victims of trafficking': <http://www.younglegalaidlawyers.org/sites/default/files/200621%20YLAL%20trafficking%20report.pdf>

¹⁰ Independent Anti-Slavery Commissioner (2020) 'Letter to Alex Chalk MP': <http://www.antislaverycommissioner.co.uk/media/1439/iasc-letter-to-alex-chalk-mp-july-2020.pdf>

¹¹ Home Office (2021), 'Issues raised by people facing return in immigration detention': <https://www.gov.uk/government/publications/issues-raised-by-people-facing-return-in-immigration-detention>

order to prevent removal or deportation. I am also aware of concerns in the sector that changes which have the potential to impact thousands of victims are, from the evidence presented, based on isolated instances of foreign national offenders abusing the system. Fast-track appeals and expediting claims further limits the ability to identify potential victims.

Chapter 6: Supporting victims of modern slavery

First Responder training

My Strategic Plan 2019-2021 set out the importance of public authorities equipping their staff with the appropriate knowledge and skill to identify victims at the earliest opportunity¹². Whilst the increase in the number of NRM referrals between 2009 and 2020¹³ goes some way to suggest heightened practitioner awareness, further work is needed to ensure that victim identification is consistent. I therefore support the proposal to strengthen training for First Responders, but suggest that this needs to go beyond the immigration system to include all First Responder organisations.

At present, any member of staff within a First Responder organisation, regardless of whether they have any experience of modern slavery, can make referrals into the NRM. I am aware of some First Responder organisations who have modern slavery Single Point of Contacts (SPOCs) or designated First Responders who have received additional training to upskill them in their role. I suggest this is a model that is worthy of further exploration. I would also encourage use of the Modern Slavery Training Standards Framework¹⁴ to ensure that practitioners have the required knowledge and skills. I am aware that in 2020 the Home Office produced an e-learning package for First Responders and that a second edition focussing on child trafficking is being developed. This is welcome progress however given the complexities of modern slavery, training must go beyond e-learning.

Public order grounds exemption

The policy statement proposes a draft definition for a public order grounds exemption linked to serious criminality (specifically where there is a prison sentence of 12 months or more) or where there are threats to national security. Whilst I understand the rationale for defining the grounds for a public order exemption as this is currently absent from policy, the parameters for this require careful consideration. A sentence of 12 months or more could for example include Possession with Intent to Supply offences which would be relevant to many victims of criminal exploitation. Any definition of public order must be directly focussed on the most serious criminality and threats to national security.

It is also important to note that whilst Section 45 of the Modern Slavery Act 2015 provides a statutory defence for victims of modern slavery, this is not applicable for certain offences (as set out

¹² Independent Anti-Slavery Commissioner (2019), 'Independent Anti-Slavery Commissioner Strategic Plan 2019-2021': <http://www.antislaverycommissioner.co.uk/media/1329/independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf>

¹³ From 552 NRM referrals in 2009 to 10,613 referrals in 2020.

¹⁴ Skills for Care (2020), 'Training Framework: Identification, Care and Support of Victims and Survivors of Modern Slavery and Human Trafficking': <https://www.skillsforcare.org.uk/Documents/Topics/Modern-Slavery/Training-Framework-Identification-Care-and-Support-of-Victims-and-Survivors-of-Modern-Slavery-and-Human-Trafficking.pdf>

in Schedule 4) and there is still a lack of knowledge of this defence across the criminal justice system. This was identified by my review of the statutory defence published last year where I found that the police were not consistently considering from the outset of an investigation whether a suspect could be a victim of modern slavery and whether the statutory defence may apply¹⁵. As a result, there continue to be circumstances where victims of modern slavery are prosecuted. Under this proposal, there is a risk that they could be left facing removal from the UK without access to support to address their recovery needs and prevent further exploitation.

Reasonable Grounds and Conclusive Grounds thresholds

The proposal to make the Reasonable Grounds decision threshold consistent with the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) is on balance appropriate. I have heard views expressed on both sides of the argument. The sector believe that increasing the threshold would make it more difficult for potential victims to access support. On the other hand, police forces have argued that this low threshold is problematic for them because they are required to record Reasonable Grounds decisions as a crime and investigate them. In some instances, NRM referrals can be poor quality with little information to enable police to conduct their enquiries. As I mentioned earlier, training and awareness among First Responders needs to be improved and there needs to be more frequent use of multi-agency referrals. Proposals for 'places of safety' within the Victim Care Contract (VCC) would also assist in gathering more information on which the SCA can base its decision.

I would also like to raise my concerns regarding the threshold of the Conclusive Grounds stage decision. Use of the terminology 'conclusive' suggests a much higher threshold than the 'balance of probabilities' and misrepresents the civil standard of proof. This can again be particularly problematic in the context of the criminal justice system and therefore would benefit from review.

Credibility assessments

While First Responders need to be aware of the impact of trauma on an individual's ability to recall their experiences, it is important that frontline professionals use their judgement to make decisions about the most appropriate actions to take to respond to a particular scenario. However, I am aware of concerns in the sector regarding the proposal to provide for a more careful analysis of credibility. This issue again reinforces the importance of training for First Responders, the use of multi-agency referral and the introduction of 'places of safety' to ensure a consistent and effective approach.

Bi-lateral or multi-lateral agreements with ECAT signatories

The policy statement refers to consulting on seeking bilateral or multi-lateral agreements with safe ECAT signatory countries 'to enable the removal of victims of modern slavery'. However, it is unclear whether this relates to removal to a country of origin, or removal to a safe country that an individual has passed through on their way to the UK. Supported return and reintegration can be an important

¹⁵Independent Anti-Slavery Commissioner (2020), 'The Modern Slavery Act 2015 Statutory Defence: A call for evidence': <http://www.antislaverycommissioner.co.uk/media/1480/the-modern-slavery-act-2015-statutory-defence-a-call-for-evidence.pdf>

part of an individual's recovery journey, however I am concerned that there appears to be a focus on removal rather than supported return and re-integration.

The UK currently has a Voluntary Returns Scheme (VRS)¹⁶ which can be accessed by victims of modern slavery, however, this was not designed with the needs of modern slavery victims in mind and is not regularly used for this purpose¹⁷. In 2019, the International Organization for Migration and the Human Trafficking Foundation produced a joint paper on assisted voluntary return and reintegration for survivors of modern slavery¹⁸. Many of the challenges identified still stand, including concerns about safety and risk assessments, the lack of information about and contact with support providers in countries of origin and a need for greater clarity and consistency in the referral process. Any new arrangements would need to address these existing challenges.

Providing victims of modern slavery with increased support

Making clear within legislation confirmed victims' eligibility for temporary leave to remain

Earlier this year I published a statement highlighting the importance of discretionary leave for confirmed victims of modern slavery to assist them in regaining independence¹⁹. I was therefore pleased to read in the policy statement the government's intentions to confirm in domestic legislation for the first time that confirmed victims of modern slavery 'may be eligible for a grant of temporary leave to remain'.

The number of victims and survivors being granted discretionary leave to remain are extremely low. In 2015, 123 individuals with a positive Conclusive Grounds decision were granted discretionary leave, in 2019 it was 70 and in the first three months of 2020 it was only 8²⁰. I would hope that this proposal would lead to a significant increase in instances of discretionary leave being granted. However, within the policy statement it is currently unclear what the parameters of this grant of 'temporary leave to remain' would be and whether it would offer a more limited form of leave than discretionary leave to remain which could potentially leave individuals at risk of destitution and increase the likelihood of re-trafficking.

I am also aware of significant concern within the sector in relation to the impact of this proposal on children. I understand that it is felt to be at odds with ECAT Article 14.2 which states that residence

¹⁶ HM Government (2021), 'Get help to return home if you are a migrant in the UK':

<https://www.gov.uk/return-home-voluntarily>

¹⁷ Between 01/04/2017 and 31/03/2020, just 12 non-EEA national victims of modern slavery used the VRS: FOI Number 60267.

¹⁸ International Organisation for Migration and the Human Trafficking Foundation (2019), 'Findings and recommendations from assisted voluntary return and re-integration for survivors of modern slavery': <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/5d4987acd16dbf0001e0a7c8/1565099948816/AVRR+Briefing+Paper+IPWG+final+v1.pdf> (on behalf of the International Policy Working Group)

¹⁹Independent Anti-Slavery Commissioner (2021) 'IASC Commentary: Support survivors to regain independence': <http://www.antislaverycommissioner.co.uk/news-insights/iasc-commentary-supporting-survivors-to-regain-independence/>

²⁰FOI 59314.

permits for children should be issued in accordance with the best interests of the child²¹. Again, the current proposals do not distinguish between adults and children.

Strengthening the criminal justice system response to modern slavery

Law enforcement and prosecution play an important role in the eradication of modern slavery by bringing perpetrators to justice, disrupting criminal networks and in preventing further exploitation. However, while police forces and prosecutors are doing more to bring traffickers to justice, the use of offences under the Modern Slavery Act 2015 remains too low and organised crime groups continue to see the rewards as high and risks as low. The impact of Covid-19 on the courts system is also presenting further challenges to prosecutions.

I therefore support the commitment to strengthen the criminal justice response to modern slavery and provide further funding to drive forward work to increase prosecutions and build policing capacity. It is essential that this work addresses some of the current barriers to prosecution and includes more consistent treatment of modern slavery as organised crime, as well as utilising the opportunities afforded by financial investigation²². The policy statement also suggests that the Home Office are considering testing a new approach involving embedding specialist workers within police forces. This is a model that Justice in Care have already developed and is currently operating in four police forces as well as with Border Force in Scotland²³. I have heard positive feedback about the impact of this role, and I understand that it is in the process of being independently evaluated. I would encourage any wider rollout of this initiative to be informed by learning from the evaluation.

Establishing a modern slavery prevention fund

Safeguarding victims and prosecuting traffickers need to be matched by a determined focus on preventing modern slavery. I therefore support the consideration being given to establishing a modern slavery prevention fund and would encourage a cross-Whitehall approach to develop thinking on this. Over the past year my office has been working with Dr Liz Such and Public Health England in order to further refine the development of an emergent public health framework for modern slavery^{24 25}. This is in recognition of the benefits of taking a population level approach, focussed on data, partnership working and prevention activity in order to tackle this heinous crime. Work to develop a useable framework for multi-agency anti-slavery partnerships is currently

²¹Council of Europe Convention on Action against Trafficking in Human Beings (2005): 'Council of Europe Convention on Action against Trafficking in Human Beings': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf

²² Independent Anti-Slavery Commissioner (2021), 'Financial investigation of modern slavery': <http://www.antislaverycommissioner.co.uk/media/1586/financial-investigation-of-modern-slavery-march-2021.pdf>

²³ [Justice and Care Victim Navigator Programme](#).

²⁴ Such. E, Laurent. C and Salway. S (2017), 'Modern Slavery and Public Health': <https://www.gov.uk/government/publications/modern-slavery-and-public-health/modern-slavery-and-public-health>

²⁵ Such. E, Laurent. C, Jaipaul. R and Salway. S (2019), 'Modern Slavery and public health: A rapid evidence assessment and an emergent public health approach': <https://doi.org/10.1016/j.puhe.2019.10.018>

underway and I would like to see the Home Office taking a lead role in driving the implementation of these principles at a local, regional, and national level.

In recent months I have also reached out to the Violence Reduction Units that have been established in 18 police forces across the country to respond to serious violence through a public health lens²⁶. I have been impressed with some of the interventions that are being delivered, especially those which overlap with my priorities, for example in responding to Child Criminal Exploitation. I would encourage any learning from these approaches to be considered as part of thinking to explore the merits of a modern slavery prevention fund. Finally, it is important that any prevention fund also considers prevention in source countries and overseas programming.

Mental health support

There are currently significant concerns within the sector regarding the ability of survivors to access timely mental health support that is able to meet their needs. I have heard of issues relating to the long waiting lists for support which survivors then have to re-join if they move accommodation or receive a Conclusive Grounds decision (both positive and negative), as well as the lack of mental health support that is suitable for the complex trauma often experienced by survivors of modern slavery.

I therefore welcome the acknowledgment within the policy statement that this is an area where further effort is needed and would encourage engagement with support providers, the health sector, and survivors to inform this work. The Rights Lab at the University of Nottingham are currently involved in a survivor-led project looking at mental health recovery, and I would recommend that policymakers consider the findings from this research.

Support for child victims of modern slavery

The policy statement refers to improving the support for child victims of trafficking. This is vital given that in quarter two of 2020, for the first time there were more NRM referrals for children than for adults²⁷. I welcome the commitment to improve support for those involved in county lines and would be interested to hear more about the proposals for this. My review of the Section 45 statutory defence also highlighted the significant challenges in effectively safeguarding children who are subject to extra-familial harm and this is a much needed investment²⁸. In relation to the Independent Child Trafficking Guardianship (ICTG) programme, whilst I am aware that the service is in the process of being rolled out to a further one third of local authority areas, ICTGs are a provision

²⁶ Independent Anti-Slavery Commissioner (2020), 'Letter to Violence Reduction Units':

<http://www.antislaverycommissioner.co.uk/media/1519/iasc-letter-to-sue-mountstevens-avon-and-somerset-p-police-and-crime-commissioner-october-2020.pdf>

²⁷ Home Office (2020) 'Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK quarter 2 2020- April – June': <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2020-april-to-june/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2020-april-to-june>

²⁸ Independent Anti-Slavery Commissioner (2020), 'The Modern Slavery Act 2015 Statutory Defence: A call for evidence': <http://www.antislaverycommissioner.co.uk/media/1480/the-modern-slavery-act-2015-statutory-defence-a-call-for-evidence.pdf>

of Section 48 of the Modern Slavery Act 2015 and it is extremely disappointing that 6 years on every trafficked child in England and Wales is not able to access an ICTG.

I am pleased with the progress that has been made in relation to piloting NRM decisions for children being made by local safeguarding partners. I have spoken publicly about how local safeguarding partners are best placed to make these decisions²⁹ and I understand that the Home Office have now identified the ten local authority areas who will participate in the 12 month pilot. My office is involved in the Expert Advisory Panel for the pilot and it is positive that the evaluation will now consider the impact of the pilots on both the decision making process and on short term safeguarding outcomes for children.

Reviewing the Government's Modern Slavery Strategy 2014

The first Modern Slavery Strategy for the UK was published in 2014 and was built around the four P's; Protect, Prepare, Pursue and Prevent³⁰. There has been considerable progress made since the publication of this strategy, however it must be acknowledged that there is still much work to be done and, in many ways, we are now looking at a very different landscape. Over the past 7 years, the number of victims identified has increased exponentially from 2,337 referrals in 2014 to 10,613 in 2020. We have seen NRM referrals for criminal exploitation soar and in 2020 UK nationals accounted for 34% of all referrals³¹. It is therefore extremely timely to be refreshing the UK strategy. In updating the current strategy, I urge the Home Office to consult widely with the sector and ensure that this work reflects both where progress has been made, as well as where further efforts are needed. I would also strongly encourage the inclusion of survivors' voices and for their experiences of the current system to help shape the updated strategy.

Chapter 7: Disrupting criminal networks behind people smuggling

I support the government's focus on disrupting criminal networks and welcome steps such as overhauling the civil penalties regime. I am also pleased that the government plans to consult with industry on such important changes. However, we must also consider the implications of measures to disrupt criminal networks for potential victims and ensure that protective measures are in place. In light of proposals to introduce tougher offences for illegal entry, effective triage and identification of potential victims will be even more vital. If, as proposed, Border Force officers are provided with additional powers to redirect vessels away from the UK, there needs to be absolute clarity in respect of their roles as First Responders. In addition, consideration must be given to how such measures aimed at disrupting criminal networks may push people to use more risky methods of entry. It is vital that protective measures are put in place and that trends are monitored.

²⁹ 8 The Guardian (2020), 'Anti-slavery tsar calls for councils to take on child trafficking cases': <https://www.theguardian.com/society/2020/mar/02/anti-slavery-tsar-calls-for-councils-to-take-on-child-traffic-king-cases>

³⁰ HM Government (2014), 'Modern Slavery Strategy': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf

³¹ Home Office (2021), 'Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2020': <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020>

Chapter 8: Enforcing removals including foreign national offenders (FNOs)

I note plans to consult with local authority partners and stakeholders on implementing the provisions of the Immigration Act 2016 to remove support from failed asylum-seekers who have no right to remain in the UK. Such proposals may risk increasing vulnerability to modern slavery. It is therefore essential that any consultation includes the anti-slavery sector and that protecting the vulnerable from traffickers and exploitative employers is a central consideration. Similarly, any proposal to restrict visa availability risks increasing greater use of irregular and dangerous routes.

Yours sincerely,



Independent Anti-Slavery Commissioner